

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

MARCO BOYKIN,

Defendant.

Colleen McMahon, District Judge:

On March 10, 2014, the defendant was sentenced principally to a term of imprisonment of 335 months, for his involvement in a racketeering conspiracy.

The United States Probation Department has conducted of review of defendants who are currently incarcerated and who might be eligible for a sentencing reduction, pursuant to Amendment 821 to the United States Sentencing Guidelines Manuel. Amendment 821 amended the Guidelines in two respects: (1) Part A amends Guidelines § 4A1.1, by reducing from two points to one point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points; and (2) Part B, amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria. The Sentencing Commission made these amendments retroactive effective November 1, 2023.

The Probation Department has determined that Marco Boykin would receive one fewer criminal history point under Part A of Amendment 821 (reducing from two points to one point the upward adjustment for his having committed the instant offense while under a criminal

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 2/26/24
DATE FILED: 2/26/24

10-CR-391-61 (CM)

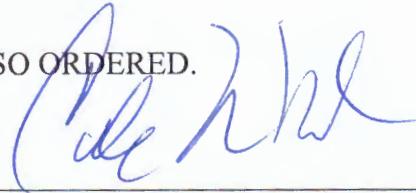
ORDER

sentence). While this results in defendant receiving 8 criminal history points, instead of 9, it did not change his Criminal History Category, which remains IV. Thus, his Guidelines remain unchanged.

Accordingly, defendant is precluded from a sentence reduction because the Total Offense Level and Criminal History Category do not change as a result of the Guideline amendments.

Defendant's application for the appointment of counsel (ECF Document #2008) in connection with this motion is denied.

SO ORDERED.



Colleen McMahon
United States District Judge

Dated: February 23, 2024
New York, New York